



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ALEJANDRO ANDRADE ZAVALA,  
  
Defendant.

CASE NO. 08-2943M

ORDER OF DETENTION  
AFTER HEARING

(18 U.S.C. § 3142(i))

I.

- A. ( ) On motion of the Government in a case allegedly involving:
1. ( ) a crime of violence;
  2. ( ) an offense with maximum sentence of life imprisonment or death;
  3. ( ) a narcotics or controlled substance offense with maximum sentence of ten or more years;
  4. ( ) any felony - where the defendant has been convicted of two or more prior offenses described above;
  5. ( ) any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other

1 dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

2 B. (X) On motion by the Government / ( ) on Court's own motion, in a case allegedly  
3 involving:

4 1. (X) a serious risk that the defendant will flee;

5 2. ( ) a serious risk that the defendant will:

6 a. ( ) obstruct or attempt to obstruct justice;

7 b. ( ) threaten, injure, or intimidate a prospective witness or juror or attempt to  
8 do so.

9 C. The Government ( ) is/ ( ) is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.

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13 II.

14 A. (X) The Court finds that no condition or combination of conditions will reasonably  
15 assure:

16 1. (X) the appearance of the defendant as required.

17 (X) and/or

18 2. (X) the safety of any person or the community.

19 B. ( ) The Court finds that the defendant has not rebutted by sufficient evidence to  
20 the contrary the presumption provided by statute.

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22 III.

23 The Court has considered:

24 A. the nature and circumstances of the offense(s) charged;

25 B. the weight of evidence against the defendant;

26 C. the history and characteristics of the defendant; and

27 D. the nature and seriousness of the danger to any person or to the community.  
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IV.

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report and recommendation.

V.

The Court bases the foregoing finding(s) on the following:

- A. (X) The history and characteristics of the defendant indicate a serious risk that he will flee, because he is alleged to be a citizen of Mexico, who is illegally present in the United States following five prior deportations.
- B. (X) The defendant poses a risk to the safety of other persons or the community because of his prior criminal history.

VI.

- A. ( ) The Court finds that a serious risk exists that the defendant will:
1. ( ) obstruct or attempt to obstruct justice.
  2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.

VII.

- A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
- C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity for private consultation with counsel.
- D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections

1 facility in which the defendant is confined deliver the defendant to a United States  
2 Marshal for the purpose of an appearance in connection with a court proceeding.

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4 DATED: December 2, 2008

  
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MARGARET A. NAGLE  
UNITED STATES MAGISTRATE JUDGE